

JOSEPH A. HALL,)
)
Plaintiff,)
)
vs.) No. _____
)
) **PLAINTIFF DEMANDS TRIAL BY**
) **JURY**
BURLINGTON NORTHERN SANTA)
FE RAILROAD COMPANY,)
)
Defendant.)

COUNT I

1. That on or about October 22, 2014, and at all times herein mentioned, the Defendant, BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY, was a corporation organized and existing as a common carrier by rail in and throughout several states of the United States and for the purpose thereof did own, possess, operate and maintain divers railroad cars, tracks and other equipment in and about Carroll and Wyandotte Counties, Missouri.

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3. This Court has subject matter jurisdiction pursuant to Title 45 U.S.C. §56.

4. That on or about October 22, 2014, the Plaintiff, JOSEPH A. HALL, in the normal course of his duties was climbing upon a railroad car that was in service near the WB Junction in Carroll County, Missouri, when he was injured in whole or in part because of the improper and unsafe condition of the walkway on said railroad car which was bent and misshaped causing Plaintiff to fall to the ground in violation of the aforementioned SAA.

5. That as a result, in whole or in part, of the Defendant's violation of the SAA, the Plaintiff, JOSEPH A. HALL, sustained severe and permanent injuries primarily to his right shoulder and the bones, muscles, tissues and nerves thereof resulting in disability, disfigurement and a loss of a normal life; that he has suffered and will continue to suffer great bodily pain and mental anguish; that he has lost and will continue to lose great sums of money and benefits which he otherwise would have earned in the pursuit of his usual occupation; that he has had to undergo surgical treatment; that his earning capacity has been permanently impaired; and that he has spent and will continue to spend great sums of money endeavoring to be cured of his said injuries all to his damage in an amount in excess of Fifty Thousand Dollars (\$50,000.00).

WHEREFORE, the Plaintiff, JOSEPH A. HALL, prays judgment against the Defendant, BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) and costs of suit.

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COUNT II

COMES NOW the Plaintiff, JOSEPH A. HALL, by and through his attorneys, Callis, Papa, & Szewczyk, P.C., , and for Count II of his cause of action against the Defendant, BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY, states:

1. That on or about October 22, 2014, and at all times herein mentioned, the Defendant, BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY, was a corporation organized and existing as a common carrier by rail in and throughout several states of the United States and for the purpose thereof did own, possess, operate and maintain divers railroad cars, tracks and other equipment in and about Carroll and Wyandotte Counties, Missouri.

2. That at all times herein mentioned, the Plaintiff, JOSEPH A. HALL, was employed by the Defendant as a conductor, and was in the course and scope of his duties on the aforesaid date when he was injured, as hereinafter alleged. The Plaintiff brings this action pursuant to the authority of Title 45, §51, *et seq.*, of the United States Code, commonly referred to as the Federal Employers' Liability Act (F.E.L.A.).

3. This Court has subject matter jurisdiction pursuant to Title 45 U.S.C. §56.

4. That on or about October 22, 2014, the Plaintiff, JOSEPH A. HALL, in the normal course of his duties was climbing upon a railroad car that was in service as part of a train traveling between Ft. Madison, Iowa and Kansas City, Missouri when he was injured in whole or in part because of the improper and unsafe condition of the walkway on said railroad car which was bent, misshaped and had metal pellets resting thereon causing Plaintiff to fall to the ground.

5. That the Defendant, BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY, by and through its duly authorized agents and employees, was then and there guilty of one or more of the following negligent acts or omissions, in violation of the Federal Employers' Liability Act:

- (a) failed to provide a safe place to work by failing to properly maintain and repair the walkway on said railroad car;
- (b) failed to provide a safe place to work by providing a walkway which was bent and misshaped on the railroad car Plaintiff was climbing upon;

- (c) failed to provide a safe place to work by allowing metal pellets to rest upon the walkway of the railroad car Plaintiff was climbing upon;
- (d) failed to provide a safe place to work by permitting a railroad car to be in service with a dangerous or defective walkway;
- (e) failed to warn the Plaintiff and others of the above-mentioned unsafe and defective conditions;
- (f) failed to inspect the railroad car Plaintiff was climbing upon for the dangerous conditions described herein;
- (g) otherwise negligently and carelessly failed to provide the Plaintiff with a reasonably safe place to work.

6. That as a result, in whole or in part, of one or more of the aforesaid violations of the Federal Employers' Liability Act, the Plaintiff, JOSEPH A. HALL, sustained severe and permanent injuries primarily to his right shoulder and the bones, muscles, tissues and nerves thereof resulting in disability , disfigurement and a loss of a normal life; that he has suffered and will continue to suffer great bodily pain and mental anguish; that he has lost and will continue to lose great sums of money and benefits which he otherwise would have earned in the pursuit of his usual occupation; that he has had to undergo surgical treatment; that his earning capacity has been permanently impaired; and that he has spent and will continue to spend great sums of money endeavoring to be cured of his said injuries all to his damage in amount in excess of Fifty Thousand Dollars (\$50,000.00).

WHEREFORE, the Plaintiff, JOSEPH A. HALL, prays judgment against the Defendant, BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) and costs of suit.

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CALLIS, PAPA & SZEWCZYK, P.C.

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